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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,929	08/27/2003	Yoshinobu Mukai	13425.39US01	4112

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EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT PAPER NUMBER

3661

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/648,929

Applicant(s)

MUKAI ET AL.

Examiner

Jacques H Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/27/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Kohge et al [6,643,572].

Kohge et al discloses a controller for automobile, such as an electric power steering control device. The control device or controller, according to Kohge et al, comprises a memory or storage accommodated in an electric power steering control device mounted on a vehicle (automobile), and which permits rewrite and storage of data, wherein transmitting a signal from an external of the vehicle allows the data stored in the memory to be rewritten. See figures 1-2 and columns 2 and 4.

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3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Kimura et al [6,711,483].

Kimura et al discloses a power steering system controller or control device. According to Kimura et al, the control device or controller comprises a memory accommodated in the electric power steering control device mounted on a vehicle (figure 1), and which permits rewrite and storage of data (abstract), wherein transmitting a signal from an external of the vehicle allows the data stored in the memory to be rewritten (abstract, figure 4 and page 1, columns 1-2). Furthermore, Kimura et al discloses that the controller and the external device are connected in a wireless fashion [col. 1, line 66-col. 2].

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Nakano et al [6,665,598].

Nakano et al discloses a system of informing procedures for adjusting control parameters of an electric power steering control apparatus. According to Nakano et al, the control device or controller comprises a memory accommodated in the electric power steering control device mounted on a vehicle (figure 1), and which permits rewrite and storage of data (abstract), wherein transmitting a signal from an external of the vehicle allows the data stored in the memory to be rewritten (figures 1, 13, column 1, lines 27-31, col. 2, lines 10-35, col. 3, line 63-col. 4, line 5, col. 7, line 61-col. 8, line 31). See also columns 10-12.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al [6,711,483] in view of Yasuda [6,594,569].

As described on pages 2-4, Kimura et al discloses a set of constants or mathematical expression data, which is used for the electric power steering control device and is inherent in an individual specification. However, Kimura et al does not particularly disclose reading out of the data at a start-up of the electric power steering device. Yasuda, on the other hand, discloses, a device and method for setting steering characteristics of electric power steering. As depicted in figures 2 and 6, Yasuda discloses the data stored in the memory is read out at a start-up of the electric power steering control device, and wherein an assist steering force is controlled based on this data. See also columns 4-6. Yasuda discloses a plurality of keys (labels) representing different map data (column 1). Also in columns 4-6, Yasuda et al discloses a plurality of map data, wherein the memory stores label information corresponding to one of the plurality of map data, wherein the label information is read out at a start-up of the electric power steering control device, followed by selection of the one map data in the ROM based on this label information to be read out, and wherein an assist steering force is controlled based on the selected map data. Thus, it would have been obvious to one skilled in the art at the time of the

invention to be motivated to modify the power steering system of Kimura et al by incorporating the features from the electric power steering device of Yasuda because such modification, as suggested by Yasuda, would realize different steering satisfactory levels, thereby improving driving conditions.

7. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al [6,665,598] in view of Yasuda [6,594,569].

As described in columns 4-6, Nakano et al discloses a ROM which stores a plurality of map data, wherein the memory stores label information corresponding to one of the plurality of map data, followed by selection of the one map data in the ROM based on this label information to be read out, and wherein an assist steering force is controlled based on the selected map data. See also columns 9-10. Furthermore, according to Nakano et al, the memory stores a set of constants or mathematical expression data, which is used for the electric power steering control device and is inherent in an individual specification. See also page 4 and, in particular, page 5. However, Nakano et al does not particularly disclose reading out of the data at a start-up of the electric power steering device. Yasuda, on the other hand, discloses, a device and method for setting steering characteristics of electric power steering. As depicted in figures 2 and 6, Yasuda discloses the data stored in the memory is read out at a start-up of the electric power steering control device, and wherein an assist steering force is controlled based on this data. See also columns 4-6. Yasuda discloses a plurality of keys (labels) representing different map data (column 1). Also in columns 4-6, Yasuda et al discloses a plurality of map data, wherein the memory stores label information corresponding to one of the

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plurality of map data, wherein the label information is read out at a start-up of the electric power steering control device, followed by selection of the one map data in the ROM based on this label information to be read out, and wherein an assist steering force is controlled based on the selected map data. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the electric power steering apparatus of Nakano et al by incorporating the features from the electric power steering device of Yasuda because such modification, as suggested by Yasuda, would realize different steering satisfactory levels, thereby improving driving conditions.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,152,255	Noro et al	Nov. 2000
US2003/0102181	Tokumoto	Jun. 2003
US2003/0130777	Iwazawa et al	Jul. 2003

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jj

  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER